



NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT GENERAL PERMIT

DISCHARGE AUTHORIZED: STORMWATER DISCHARGES FROM REGULATED SMALL
MUNICIPAL SEPARATE STORM SEWER SYSTEMS

AREA OF COVERAGE: THE STATE OF ALABAMA

PERMIT NUMBER: ALR040000

RECEIVING WATERS: ALL WATERS OF THE STATE OF ALABAMA

In accordance with and subject to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1378 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended, Code of Alabama 1975, §§22-22A-1 to 22-22A-15, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the Permittee is hereby authorized to discharge into the above-named receiving waters.

ISSUANCE DATE:

EFFECTIVE DATE:

EXPIRATION DATE:

Draft

Alabama Department of Environmental Management

Table of Contents

Part I. Coverage Under This General Permit.....	4
A. Permit Coverage	4
B. Eligibility.....	4
C. Limitations of Coverage	5
D. Obtaining Authorization.....	5
E. Implementation	6
Part II. Notice of Intent (NOI) Requirements.....	7
A. Deadlines for Applications	7
B. Continuation of the Expired GP.....	7
C. Contents of the Notice of Intent	8
D. Where to Submit	8
E. Co-Permittees Under a Single Notice of Intent.....	7
III. Storm Water Management Program (SWMP) for Small MS4s	9
A. Requirements	9
B. Minimum Control Measures	10
IV. Special Conditions	22
A. Sharing Minimum Measure Responsibility and Coordination Between MS4s	22
B. Reviewing and Updating Storm Water Management Programs	22
C. Discharge Compliance with Water Quality Standards	23
D. Discharge to Impaired Waters.....	24
E. Requiring an Individual Permit.....	25
Part V. Monitoring, Recordkeeping, and Reporting.....	26
A. Monitoring	26
B. Record keeping	26
C. Reporting	27
Part VI. Standard Permit Conditions.....	29
A. Duty to Comply	29
B. Continuation of the Expired General Permit.....	28
C. Need to Halt or Reduce Activity Not a Defense	29
D. Duty to Mitigate.....	29
E. Duty to Provide Information	29
F. Other Information.....	29
G. Signatory Requirements.....	29

H. Property Rights	30
I. Proper Operation and Maintenance	30
J. Inspection and Entry	30
K. Permit Actions	30
L. Permit Transfers	31
M. Anticipated Noncompliance	31
N. Compliance with Statutes and Rules	31
O. Bypass Prohibition	30
P. Severability	31
Q. Procedures for Modification or Revocation.....	32
R. Re-Opener Clause	31
S. Definitions	32

PART I Coverage Under This General Permit

A. Permit Coverage

This permit covers all the areas within the State of Alabama that were designated by the Department and all municipalities named as Permittees for those areas defined as urbanized areas (UAs) by the US Census Bureau in the Permittee(s) MS4 jurisdiction.

B. Eligibility

1. This permit authorizes discharges of storm water from small ~~municipal~~ separate storm sewer systems (MS4s), as defined in 40 CFR Part 122.26(b) (16). You ~~are~~ authorized to discharge under these terms and conditions of this general permit if you:

- (a) Own or operate a small MS4 within the permit area described in Section A,
- (b) Are not a "large" or "medium" MS4 as described in 40 CFR Part 122.26(b) (4) or (7),
- (c) Submit a Notice of Intent (NOI) in accordance with Part II of this permit, and
- (d) Either:
 - (1) Are located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census, or
 - (2) Are designated for permit authorization by the Environmental Protection Agency (EPA) and the Department pursuant to 40 CFR Part 122.32(a) (2) and 123.35(b)(2).

2. This permit authorizes the following non- storm water discharges provided: (1) they do not cause or contribute to a violation of water quality standards; (2) they have been determined not to be substantial contributors of pollutants to a particular small MS4 applying for coverage under this permit and the particular small MS4 is implementing the storm water management program set forth in this permit:

- (a) Water line flushing
- (b) Landscape irrigation (not consisting of treated, or untreated, wastewater unless authorized by the Department)
- (c) Diverted stream flows
- (d) Uncontaminated ground water infiltration (Infiltration is defined as water other than wastewater that enters a sewer system, including foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.)
- (e) Uncontaminated pumped groundwater
- (f) Discharges from potable water sources
- (g) Foundation drains
- (h) Air conditioning condensate
- (i) Irrigation water (not consisting of treated, or untreated, wastewater unless authorized by the Department)
- (j) Rising ground water
- (k) Springs
- (l) Water from crawl space pumps
- (m) Footing drains
- (n) Lawn watering runoff
- (o) Individual residential car washing
- (p) Residual street wash water
- (q) Discharge or flows from firefighting activities (including fire hydrant flushing)
- (r) Flows from riparian habitats and wetlands
- (s) Dechlorinated swimming pool discharges, and
- (t) Discharge authorized by and in compliance with a separate NPDES permit

C. Limitations of Coverage

1. The following storm water discharges are not authorized by this permit:
 - (a) Storm water discharges that are mixed with sources of non- storm water.
 - (b) Storm water discharges associated with industrial activity as defined in 40 CFR Part 122.26(b) (14) (i)-(ix) and (xi).
 - (c) Storm water discharges associated with construction activity as defined in 40 CFR Part 122.26(b) (14) (x) or 40 CFR 122.26(b) (15) and subject to Alabama Department of Environmental Management (ADEM) Administration Code Chapter 335-6-12.
 - (d) Storm water discharges currently covered under another NPDES Permit.

Unless such storm water discharges are in compliance with a separate NPDES permit, or determined by the Department not to be a significant contributor of pollutants to waters of the State.

2. Discharges to territorial seas, contiguous zone, and the oceans are not authorized by this permit unless such discharges are in compliance with the ocean discharge criteria of 40 CFR Part 125, Subpart M.

3. Discharges that would cause or contribute to instream exceedances of water quality standards are not authorized by this permit. Your storm water management program (SWMP) must include a description of the Best Management Practices (BMPs) that you will be using to ensure that this will not occur to the maximum extent practicable. The Department may require corrective action or an application for an individual permit or alternative general permit if an MS4 is determined to cause an instream exceedance of water quality standards.

4. Discharges of any pollutant into any water for which a total maximum daily load (TMDL) has been approved by EPA are not authorized by this permit unless your discharge is consistent with the TMDL. This eligibility condition applies at the time you submit a NOI for coverage. If conditions change after you have permit coverage, you may remain covered by the permit provided you comply with the applicable requirements of Part IV.D. In order to be eligible for coverage under this permit, any limitations, conditions and requirements applicable to your discharges, including monitoring frequency and reporting required, must be incorporated into your SWMP pursuant to 40 CFR Part 122.44(d)(1)(vii)(B). For discharges not eligible for coverage under this permit, you must apply for and receive an individual or other applicable general NPDES permit prior to discharging.

5. This permit does not relieve entities that cause illicit discharges, including spills, of oils or hazardous substances, from responsibilities and liabilities under State and Federal law and regulations pertaining to those discharges.

D. Obtaining Authorization

1. To be authorized to discharge storm water from small MS4s, you must submit a notice of intent (NOI) and your SWMP in accordance with the deadlines presented in Part II of this permit.
2. You must submit the information required in Part II on the latest version of the NOI form (or photocopy thereof). Your NOI must be signed and dated in accordance with Part VI of this permit.
3. No discharge under the general permit may commence until the discharger receives the Department's acknowledgement of the notice of intent (NOI) and approval of the coverage of the discharge by the general permit. The Department may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI.

4. Where the operator changes, or where a new operator is added after submittal of an NOI under Part II, a new NOI must be submitted in accordance with Part II within thirty (30) days of the change or addition.

If the Department notifies the dischargers (directly, by the public notice, or by making information available on the Internet) of other NOI form options that become available at a later date (e.g., electronic submission of forms), you may take advantage of those options to satisfy the NOI use and submittal requirements in Part II.

5. For areas annexed into your MS4 area after you received coverage under this general permit, the first annual report submitted after the annexation must include the updates to your SWMP, as appropriate.

E. Implementation

1. This permit requires implementation of the MS4 Program under the State and Federal NPDES Regulations. MS4s should modify their programs if and when water quality demonstrates that modifications are necessary to reduce pollutant levels in discharges (consistent with the requirements of 40 CFR 122.34(a)) from the MS4 to cause or contribute to violations of water quality standards, warranting greater attention or prescriptiveness in specific components of the municipal program.

2. If a small MS4 operator implements the six minimum control measures in Section 122.34(b) and the discharges are determined to cause or contribute to non-attainment of an applicable water quality standard as evidenced by the State of Alabama's 303(d) list or an EPA-approved Total Maximum Daily Load (TMDL), the operator needs to upgrade or enhance its BMPs within the scope of the six minimum control measures to address the pollutants of concern. If following such upgrades or enhancements the discharges are determined to cause or contribute to the non-attainment of an applicable water quality standard, then the Permittee shall continue to evaluate and refine its BMPs in a reiterative process to reduce the discharge of the pollutants of concern. The Department may require an application for an individual permit or alternative general permit if an MS4 is determined to cause or contribute to an instream exceedance of water quality standards.

3. Existing MS4s, unless otherwise stated within this permit, should implement permit requirements within 180 days of the effective date of coverage. New MS4s, unless otherwise stated within this permit, should implement permit requirements within 365 days of the effective date of coverage.

4. Each Permittee shall provide and maintain adequate finance, staff, equipment, and support capabilities to implement the SWMP and meet all requirements, except as allowed under Part III.A.2 of this permit. This must be documented and reported within the annual report.

PART II Notice of Intent (NOI) Requirements

A. Deadlines for Applications

1. If you are automatically designated under 40 CFR Part 122.32(a)(1) or designated by the Department, then to request recoverage, you are required to submit an NOI or an application for an individual permit and your SWMP within 90 days before the expiration of this permit.
2. If you are designated by the Department after the date of permit issuance, then you are required to submit an NOI or an application for an individual permit and a description of your SWMP within 180 days upon notification.
3. You are not prohibited from submitting an NOI after the dates provided in Part II.A; however, if a NOI is submitted after the dates provided in Part II.A, your authorization is only for discharges that occur after permit coverage is granted. The Department reserves the right to take appropriate enforcement actions for any unpermitted discharges.
4. Within 180 days of the date of initial issuance of coverage under this permit or by March 31st whichever is later, all operators of newly regulated small MS4s shall submit a storm water management program (SWMP) Plan to the Department. A SWMP Plan can be submitted electronically in a .PDF format, or in another prescribed manner acceptable to the Department that contains all necessary components.

B. Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the ADEM Administrative Code Chapter 335-6-6 and remain in force and effect if the Permittee re-applies for coverage 90 days before the expiration of this permit as required under Part II of this Permit. Any Permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

1. Reissuance or replacement of this permit, at which time you must comply with the Notice of Intent requirements for the new permit to maintain authorization to discharge; or
2. Issuance of an individual permit for your discharges; or
3. A formal permit decision by the Department not to reissue this general permit or to deny you coverage under this general permit, at which time you must seek coverage under an alternative general permit or an individual permit.

C. Contents of the Notice of Intent

The Notice(s) of Intent must be signed in accordance with Part VI of this permit and must include the following information except as allowed by Part II.A.:

1. Information on the Permittee:
 - (a) The name of the regulated entity, specifying the contact person and responsible official, mailing address, telephone number, and email address (optional); and
 - (b) An indication of whether you are a Federal, State, County, Municipal or other public entity.
2. Information on the municipal separate storm sewer system:
 - (a) The Urbanized Area or Core Municipality (if you are not located in an Urbanized Area) where your system is located; the name of your organization, county(ies), city(ies), or town(s) where your MS4 is located, and the latitude and longitude of an approximate center of your MS4;
 - (b) The name of the receiving water(s) and an indication of whether any of your receiving waters are included on the latest 303(d) list, included in an EPA-approved Total Maximum Daily Load (TMDL), or otherwise designated by the Department as

being impaired. If you have discharges to 303(d) or EPA-approved TMDL waters, a certification that your SWMP complies with the requirements of Part IV.D.; and

- (c) If you are relying on another governmental entity, other than the Department, regulated under the storm water regulations (40 CFR Part 122.26 & 122.32) to satisfy one or more of your permit obligations (see Part III), the identity of that entity(ies) and the elements(s) they will be implementing and include a copy of a written agreement with the Department or a legal binding agreement with any other entity. You remain responsible for compliance if the other entity fails to fully perform the permit obligation, and may be subject to enforcement action if neither you nor the other entity fully performs the permit obligation.

3. Your SWMP which includes information on your chosen best management practices (BMPs) and the measurable goals for each of the storm water minimum control measures in Part III of this permit, your time frame for implementing each of the BMPs, and the person or persons responsible for implementing or coordinating your SWMP.

D. Where to Submit

You are to submit your NOI or individual application, and you're SWMP or a description of your SWMP as allowed under Part II.A.2., signed in accordance with the signatory requirements of Section VI of this permit, to the Department at the following address:

**Alabama Department of Environmental Management
Municipal Permit Section, Water Division
Post Office Box 301463
Montgomery, Alabama 36130-1463**

Certified and Registered Mail shall be addressed to:

**Alabama Department of Environmental Management
Municipal Permit Section, Water Division
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059**

E. Co-Permittees Under a Single Notice of Intent (NOI)

You may partner with other MS4s to develop and implement your SWMP. You may also jointly submit an NOI with one or more MS4s. The description of your SWMP must clearly describe which permittees are responsible for implementing each of the control measures.

III. Storm Water Management Program (SWMP) for Small MS4s

A. Requirements

1. You must develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from your small MS4 to the maximum extent practicable (MEP) to protect water quality and to satisfy the appropriate water quality requirements of the Clean Water Act. The SWMP should include management practices; control techniques and system, design, and engineering methods; and such other provisions as the Department may determine appropriate for the control of such pollutants as follows:

- (a) The BMPs that you or another entity will implement for each of the storm water minimum control measures (Any technical information developed for the SWMP associated with system, design, and engineering methods must be prepared by a professional engineer, presently registered to practice in the State as required by Alabama Department of Environmental Management (ADEM) Administrative Code 335-6-3.);
- (b) Permittee(s) shall begin implementation of the terms and conditions of this permit as soon as the effective date of permit coverage, and shall meet the deadlines and schedules established in this Permit and in SWMP;
- (c) Coordination among entities covered under this small MS4 permit may be necessary to comply with the conditions of the SWMP. The SWMP shall include, where applicable, condition mechanisms among entities covered under this permit to encourage coordinated storm water related policies, programs, and projects within adjoining or shared areas. Entities covered under the small MS4 permit may include: municipalities, transportation agencies, universities, colleges, hospitals, prisons, and military bases;
- (d) The measurable goals for each of the BMPs including, as appropriate, the months and years in which you will undertake required actions, including interim milestones and the frequency of the action. Such measurable goals, including the deadlines and interim milestones, shall be enforceable requirements of this permit. Extensions of milestones may be granted by the Department. Failure to implement effective BMPs is not good cause to extend milestones. Information about developing measurable goals can be found on the USEPA's website: <http://cfpub.epa.gov/npdes/stormwater/measurablegoals/part3.cfm>; and
- (e) The person or persons responsible for implementing or coordinating the BMPs for your SWMP.

2. The Permittee must review and revise its relevant ordinances, or adopt any new ordinances or other regulatory mechanisms as allowed in accordance with 40 CFR 122.34(b)(3)(ii)(B), that provide it with adequate legal authority to control pollutant discharges into and from its MS4, and to implement and enforce its SWMP.

The Permittee must include as part of its written SWMP a statement certified by its Responsible Official that the Permittee has taken the necessary steps to obtain and maintain full legal authority to implement and enforce each of the requirements contained this permit to the extent allowed under State Law.

To be considered adequate, this legal authority must, at a minimum, authorize the Permittee to:

- (a) Prohibit Non-Storm water Discharges unless otherwise authorized in Part I.B of this permit or unless such storm water discharges are in compliance with a separate NPDES permit, or determined by the Department not to be a significant contributor of pollutants to waters of the State.
- (b) Prohibit Illicit Dischargers—Prohibit and eliminate illicit connections

discharges to the MS4. Illicit connections include pipes, drains, open channels, or other conveyances that have the potential to allow an illicit discharge to enter the MS4. Illicit discharges include those prohibited discharges listed in Part I.C. and any other discharge not authorized under a regulatory mechanism.

- (c) Prohibit Spills or Other Releases—Control the discharge of spills, and prohibit dumping or disposal of materials other than storm water into the MS4.
- (d) Require Compliance—Require compliance with conditions in the Permittee's ordinances, permits, contracts or orders.
- (e) Require Installation, Implementation, and Maintenance of Control Measures—Require operators of construction sites and industrial and commercial facilities to minimize the discharge of pollutants to the MS4 to the maximum extent practicable through the installation, implementation, and maintenance of storm water control measures.
- (f) Receive and Collect Information—The Permittee must have the authority to request a copy of the applications submitted to ADEM, as well as supporting materials.
- (g) Inspect—The Permittee must have the authority to enter private property for the purpose of inspecting at reasonable times any facilities, equipment, practices, or operations for active or potential polluted storm water discharges, or non-compliance with regulatory requirements established by the MS4 to meet requirements of this permit.
- (h) Require Response to Violations—The Permittee must have the ability to promptly require that dischargers cease and desist discharging and/or cleanup and abate a discharge.
- (i) Levy Monetary Penalties—The Permittee must have the ability to:
 - 1. Levy citations or administrative fines against responsible parties.
 - 2. Require recovery and remediation costs from responsible parties.
- (j) Impose Civil/Criminal Penalties—The Permittee must have the ability to impose more substantial civil or criminal sanctions (including referral to a city or district attorney) and escalate corrective response, consistent with its enforcement response plan developed pursuant to Part III.B.4.d of this permit, for persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm.
- (k) Control the contribution of pollutants from one portion of the shared MS4 to another portion of the MS4 through the interagency agreements among Permittees. Control of contribution of pollutants to the maximum extent practicable from one portion of the shared MS4 to another portion of the MS4 through interagency agreements with other owners of the MS4 is encouraged.

B. Minimum Control Measures

You must develop and implement in the SWMP, a plan for facilitating and increasing the use of Low Impact Development (LID)/Green Infrastructure where feasible to assist in attaining the six minimum control measures. Information on Low Impact Development (LID)/Green Infrastructure is available on the following website: <http://epa.gov/nps/lid>.

The six minimum control measures that must be included in your SWMP are:

- 1. Public Education and Outreach on Storm Water Impacts
 - (a) Permit requirement: The Permittee must implement a public education and outreach program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff. This program is the continuous implementation in the areas served by the MS4 as established in the previous permit cycle, if applicable.

- (b) Documentation: The Permittee must document the methodology for the development of a storm water public education and outreach program. The rationale statement should be included in the SWMP and annual report and must address the overall public education program and the individual BMPs, measurable goals and responsible persons for your program. In addition, the progress of this program shall be provided in each Annual Report. The rationale statement must include the following information, at a minimum:

1. How the Permittee plans to inform individuals and households about the steps they can take to reduce storm water pollution.
2. How the Permittee plans to inform individuals and groups on how to become involved in the storm water program (with activities such as local stream, lake, and beach restoration activities).
3. Who are the target audiences for the education program who are likely to have significant storm water impacts (including commercial, industrial, and institutional entities) and why those target audiences were selected.
4. What are the target pollutant sources the Permittee's public education program is designed to address.
5. What is the outreach strategy, including how the Permittee plans to inform the target audiences, the mechanisms and activities (e.g., printed brochures, newspapers, media, workshops, etc.) that the Permittee will use to reach the target audiences, and how many people does the Permittee expect to reach by the Permittee's outreach strategy over the permit term.
6. Who is responsible for overall management and implementation of your storm water public education and outreach program and, if different, who is responsible for each of the BMPs identified for this program.
7. How will the Permittee evaluate the overall success of this minimum measure.

Education and outreach efforts shall be prioritized to target the following audiences and subject areas:

(a) General Public

1. General impacts of storm water flows into surface waters.
2. Impacts from impervious surfaces.
3. Source control BMPs and environmental stewardship actions and opportunities in the areas of pet waste, vehicle maintenance, landscaping, and rain water reuse.

(b) General Public, Businesses, Including Home-Based and Mobile Businesses

1. BMPs for use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps and other hazardous materials.
2. Impacts of illicit discharges and how to report them.

(c) Homeowners, Landscapers, and Property Managers

1. Yard care techniques that protect water quality.
2. BMPs for use and storage of pesticides and fertilizers.
3. BMPs for carpet cleaning and auto repair and maintenance.
4. Runoff reduction techniques, including site design, pervious paving, retention of forests, and mature trees.
5. Storm water pond maintenance.

(d) Engineers, Contractors, Developers, Review Staff, and Land Use Planners

1. Technical standards for construction site sediment and erosion control.
2. Runoff reduction techniques, including site design, pervious pavement, alternative parking lot design, retention of forests and mature trees.
3. Storm water treatment and flow control BMPS.
4. Impacts of increased storm water flows into receiving water bodies.

2. Public Involvement/participation

The SWMP shall include ongoing activities for public involvement through mechanisms such as advisory councils, watershed associations, committees, participation on rate structures, stewardship programs, and environmental related activities. The Permittee shall implement a process to facilitate opportunities for direct action, education, and volunteer programs such as storm drain stenciling, urban stream cleanup, and volunteer monitoring.

- (a) Permit requirement: The Permittee must at a minimum, comply with applicable State and local public notice requirements when implementing a public involvement/participation program. The progress of this program shall be provided in each annual report.
- (b) Documentation: The Permittee shall consider development of opportunities for the public to participate in the decision making process involving the development and update of the SWMP. The Permittee must document the methodology for the development of the public involvement/participation program. The methodology should include a rationale statement in the SWMP and annual report and must address the overall public involvement/participation program and document individual BMPs, measurable goals, and responsible persons for implementing the program. The rationale statement must include the following information, at a minimum:

1. How the Permittee has involved the public in the development and submittal of the storm water management program.
2. What is the Permittee's plan to actively involve the public in the development and implementation of the program.
3. The target audiences for the public involvement program, including a description of the audiences' demographic characteristic. The Permittees are encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and educational organizations, among others.
4. What are the types of public involvement activities included in the program. Where appropriate, consider the following types of public involvement activities:
 - i. Citizen representative on a storm water management panel.
 - ii. Public hearings.
 - iii. Working with citizen volunteers willing to educate others about the program.
 - iv. Storm drain marking, stenciling, and tagging, volunteer monitoring or stream/lake/beach clean-up activities.
5. Who is responsible for overall management and implementation of the Permittee's storm water public involvement/participation program and, if different, who is responsible for each of the BMPs identified for this program.
6. How the Permittee will evaluate the success of this minimum measure, including how the Permittee selected the measurable goal for each minimum measure.
7. The Permittee must document, in addition to the measurable goals, any anticipated and actualized environmental benefits as it relates to water quality goals and overall watershed improvements. Documentation regarding environmental results must be included as part of the SWMP and progress reported in the annual report.
8. The Permittee shall make their SWMP and their annual reports required under this permit available to the public when requested. The current SWMP and the latest annual report should be posted on the Permittee's website, if available. To comply with the posting requirement, if a

Permittee does not maintain a website, they may submit the updated SWMP and annual report to the Department for electronic distribution when requested in accordance with the Department's public records process.

3. Illicit Discharge Detection and Elimination (IDDE)

(a) Permit requirement: The Permittee must:

1. The SWMP shall include an ongoing program to detect and eliminate illicit discharges (as defined in 40 CFR Part 122.26(b)(2)) into the Permittee's small MS4, and improper disposal, including spills not under the purview of another responding authority, into the MS4 owned or operated by the Permittee to the maximum extent practicable. Newly permitted MS4s shall begin implementation of the requirements contained in Part III.B.3. of this permit within one (1) year of the effective date of permit coverage.
2. The Permittee's existing storm sewer map(s) that were created during the first permit cycle shall be updated on an annual basis, if applicable, and shall include the following: location of all outfalls and the names and location of all waters of the State that receive discharges from those outfalls; structural BMPs owned, operated, and maintained by boundaries of the Permittee's watershed. The Permittee may also opt to include land use on the map(s). In the process of updating the map(s) the following should be added: storm water outfalls which become known; an update of known connections to the MS4 authorized or allowed by the Permittee after the effective date of permit coverage; any geographic areas which may discharge storm water into the Permittee's MS4, which may not be located within the municipal boundary. Newly permitted MS4s must develop a storm sewer system map(s) with the following requirements as stated above in B.3.(a)(2);
3. As allowed in accordance with 40 CFR 122.34(b)(3)(ii)(B), effectively prohibit, through ordinance, or other regulatory mechanism, non- storm water discharges into your storm sewer system that are not listed in Part I.B. and implement appropriate enforcement procedures and actions. The ordinance or other regulatory mechanism shall include escalating enforcement procedures and actions. The Permittee shall develop an enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism. The ordinance or other regulatory mechanism shall be reviewed on an annual basis and updated when necessary;
4. The Permittee shall also review and, if necessary to ensure the reduction of pollutants from illicit discharges to the maximum extent practicable, update their IDDE ordinance or other regulatory mechanism to prohibit and eliminate illegal discharges and/or dumping into the Permittee's MS4. Newly permitted MS4s shall develop the aforementioned program. This program shall include:
 - i. Procedures for locating priority areas likely to have illicit discharges:
 - (a) Areas with older infrastructure that are more likely to have illicit connections;
 - (b) Industrial, commercial or mixed use areas;
 - (c) Areas with history of past illicit discharges;
 - (d) Areas with onsite sewage disposal systems;
 - (e) Areas with older sewer lines or with a history of sewer overflows or cross-connections;
 - (f) Areas upstream of sensitive waterbodies, including 303(d) and/or EPA-approved TMDL waterbodies

- ii. Field assessment activities, including visual inspections of priority outfalls identified in (a) above, during dry weather and for the purpose of verifying the outfall locations, identifying previously unknown outfalls, and detecting illicit discharges;
 5. Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste;
 6. Address the following categories of non-storm discharges or flows (i.e., illicit discharges) only if the Department identifies them as significant contributors of pollutants to your small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from inflow), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water), springs, water from crawl space pumps, footing drains, lawn watering run-off, individual residential car washing, flows from riparian habitats and wetlands, discharge or flows from firefighting activities (to include fire hydrant flushing); dechlorinated swimming pool discharges, and residual street wash water, discharge authorized by and in compliance with a separate NPDES permit; and
 7. The Permittee may also develop a list of other similar occasional incidental non- storm water discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non- storm water discharges must not be reasonably expected (based on information available to the permittees) to be significant sources of pollutants to the municipal separate storm sewer system, because of either the nature of the discharges or conditions you have established for allowing these discharges to your MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to impaired waterbodies, BMPs on the wash water, etc.). You must document in your SWMP any local controls or conditions placed on the discharges.
- (b) Documentation: The Permittee must document your methodology for the development of a storm water illicit discharge detection and elimination program. The rationale statement should be included in the SWMP and annual report and must address the overall illicit discharge detection and elimination program and the individual BMPs, measurable goals, and responsible persons for the Permittee's program. The rationale statement must include the following information, at a minimum:
1. How the Permittee will develop a storm water map (or, if one has already been completed, annually update) showing the location of all outfalls, to include the latitude and longitude, and the names and location of all receiving waters. Describe the sources of information the Permittee used for the maps, and how you plan to verify the outfall locations with field surveys. If already completed, describe how you developed this map. Also, the Permittee must submit an updated map with each annual report unless there are no changes to the map that was previously submitted. When there are no changes to the map, the annual report must state this.
 2. The mechanism (ordinance or other regulatory mechanism as allowed in accordance with 40 CFR 122.34(b)(3)(ii)(B)) you will use to effectively prohibit illicit discharges into the MS4 and why you chose that mechanism. If the Permittee needs to develop this mechanism, describe the plan and a schedule to do so. If the ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with the program.

3. The plan to ensure through appropriate enforcement procedures and actions that the illicit discharge ordinance (or other regulatory mechanism) is implemented.
4. The plan to detect and address illicit discharges to your system, including discharges from illegal dumping and spills into the MS4 to the maximum extent practicable. The Permittee's plan must include, to the extent practicable, dry weather field screening for non-storm water flows and field tests of chemical parameters you selected as indicators of discharge sources. The plan must also address on-site sewage disposal systems that flow into the storm drainage system. The description must address the following, at a minimum:
 - i. Procedures for locating priority areas likely to have illicit discharges:
 - (a) Areas with older infrastructure that are more likely to have illicit connections;
 - (b) Industrial, commercial or mixed use areas;
 - (c) Areas with history of past illicit discharges;
 - (d) Areas with onsite sewage disposal systems;
 - (e) Areas with older sewer lines or with a history of sewer overflows or cross-connections;
 - (f) Areas upstream of sensitive waterbodies, including 303(d) and/or EPA-approved TMDL waterbodies
 - ii. Procedures for tracing the source of an illicit discharge, including the specific techniques you will use to detect the location of the source.
 - iii. Procedures for removing the source of the illicit discharge.
 - iv. Procedures for program evaluation and assessment.
5. How the Permittee plans to inform the public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in the description how this plan will coordinate with the public education minimum measure and the pollution prevention/good housekeeping minimum measure programs.
6. Who is responsible for overall management and implementation of the storm water public education and outreach program and, if different, who is responsible for each of the BMPs identified for this program.
7. How the Permittee will evaluate the success of this minimum measure, including how the Permittee selected the measurable goal for each minimum measure.
8. The Permittee must develop and implement an ongoing training program for all field staff, which, as part of their normal job responsibilities, may come into contact with or otherwise observe an illicit discharge or illicit connection to the storm sewer system. These staff must be trained on the identification of an illicit discharge or connection, and on the proper procedures for reporting and responding to the illicit discharge or connection. Follow-up training must be provided as needed to address changes in procedures, techniques, or staffing. The Permittee must document and maintain records of the training provided to the staff trained.

4. Construction Site Storm Water Runoff Control

- (a) The regulated entity shall develop and implement a program to control storm water runoff from construction sites, into the Permittee's small MS4, which contains the below noted elements. Newly permitted MS4s shall begin implementation of the requirements contained in Part III.B.4. of this permit within one (1) year of the effective date of permit coverage. The program must provide and maintain effective erosion controls during all phases of construction activities on all disturbed areas of

construction site to minimize the discharge of sediment and other pollutants to the MS4 to the maximum extent practicable.

1. The Permittee must develop, implement, and enforce a program to reduce pollutants to the maximum extent practicable in any storm water runoff to your regulated MS4 from construction activities that result in a land disturbance one acre or greater. Reduction of pollutants to the maximum extent practicable in storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more.
 2. An ordinance or other regulatory mechanism, as allowed in accordance with 40 CFR 122.34(b)(4)(ii)(A), to require erosion and sediment controls, as well as sanctions to ensure compliance.
 3. Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
 4. Procedures for site plan review which are prioritized based on selected review criteria to address potential water quality impacts, including pre- and post-construction BMPs, as appropriate, consistent with the requirements of ADEM Admin Code r 335-6-12.
 5. Procedures for receipt and consideration of information submitted by the public.
 6. Procedure to ensure that the Permittee has planned for the implementation of the required post-construction controls during the design phase of construction.
 7. Enforcement and other procedures to ensure implementation of erosion and sediment control BMPs to the maximum extent practicable at regulated construction sites. Sediment and erosion control BMPs shall be fully implemented and regularly maintained in accordance with the Alabama Handbook, recognized practices, effective industry standard pollution control practices, requirements of the CBMPP, the requirements of ADEM Admin Code r 335-6-12 and consistent with the requirements of the AWPCA and regulations promulgated pursuant thereto.
 8. Requirements for demonstration that registration under the ADEM NPDES construction storm water program has been obtained for those sites one acre or greater.
 9. Establishment of authority and procedures for site inspections and enforcement control measures including steps to identify priority sites for inspections and enforcement.
 10. Measures to provide educational and training measures for construction site operators, including requiring a CBMP Plan with BMPs consistent with the Alabama Handbook for construction sites within the MS4 jurisdiction.
- (b) The Permittee must document the decision process for the development of a construction site storm water control program. The rationale statement should be included in the SWMP and annual report and must address the overall construction site storm water control program and the individual BMPs, measurable goals, and responsible persons for the Permittee's program. The rationale statement must include the following information, at a minimum:
1. The mechanism (ordinance or other regulatory mechanism, as allowed in accordance with 40 CFR 122.34(b)(4)(ii)(A)), the Permittee will use to require erosion and sediment controls at construction sites and why the Permittee chose that mechanism. If the Permittee needs to develop this mechanism, describe the plan and a schedule to do so. If the ordinance or regulatory mechanism is already developed, include a copy of the relevant sections within the SWMP.

2. Plan to ensure compliance with the erosion and sediment control regulatory mechanism, including the sanctions and enforcement mechanisms the Permittee will use to ensure compliance. Describe the procedures for when the Permittee will use certain sanctions. Possible sanctions include non-monetary penalties (such a stop work orders), fines, bonding requirements, and/or construction authorization denials for non-compliance.
3. The requirements for construction site operators to implement appropriate erosion and sediment control BMPs and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste.
4. The procedures for plan review, including the review of pre-construction site plans, which incorporate consideration of potential water quality impacts. For construction projects that discharge the pollutant or pollutants of concern to a water body that is listed on the State of Alabama's 303(d) list or has an EPA-approved TMDL, you must follow the requirements of Part IV.D. of this permit.
5. The procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with the public education program.
6. The procedures for site inspection and enforcement of control measures, including how the Permittee will prioritize sites for inspection.
7. Who is responsible for overall management and implementation of the Permittee's construction site storm water control program and, if different, who is responsible of each of the BMPs identified for this program.
8. Describe how the Permittee will evaluate the success of this minimum measure, including how the Permittee selected the measurable goals for each of the BMPs.

(c) The Permittee must inspect public and private construction projects which discharge into their MS4 in accordance with the frequency specified in the Table below:

Site	Inspection Frequency
a. All sites one (1) acre or larger that discharge to a waterbody listed by the state/tribe as an impaired water for sediment or turbidity under the CWA section 303(d) or a waterbody with an EPA-approved TMDL where the pollutant of concern is expected in the discharge.	Inspection, at a minimum, must occur monthly
b. All other construction sites not meeting the criteria specified in (a).	Inspection must occur based on criteria of selected sites defined by the Permittee in the inspection plan established within the SWMP

(d) Within the five year cycle of this permit, the Permittee must develop and implement an enforcement response plan (ERP), which sets out the permittee's potential responses to violations and deals with repeat violations through progressively stricter responses as needed to achieve compliance. The ERP must describe how the Permittee will use each of the following types of enforcement responses based on the type of violation:

1. Verbal Warnings—Verbal warnings are primarily consultative in nature and must specify the nature of the violation and required corrective action.
2. Written Notices—Written notices must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action.
3. Escalated Enforcement Measures—The Permittee must have the legal ability to employ any combination of the enforcement actions (i.e. citations, stop work orders, withholding plan approvals/authorizations, or additional measures) and

to escalate enforcement responses where necessary to address persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm.

(e) General Construction/Industrial Permit Non-Filer Referrals—For those construction projects or industrial facilities subject to the ADEM Construction Storm Water Regulations, and any applicable ADEM industrial permits, the Permittee must refer non-filers (i.e., those facilities that cannot demonstrate that they obtained permit coverage) to ADEM within thirty (30) days of making that determination. In making such referrals, the Permittee must include, at a minimum, the following documentation:

- (i) Construction project or facility location;
- (ii) Name of owner/operator;
- (iii) Estimated construction project size or type of industrial activity (including SIC code, if known);
- (iv) Records of communication with the owner or operator regarding the violation, including inspections, warning letters or notices of violation, and any response from the owner/operator.

(f) Enforcement Tracking—The Permittee must track instances of non-compliance either in hard copy files or electronically. The enforcement case documentation must include, at a minimum, the following:

- (i) Name of owner/operator;
- (ii) Location of construction project or industrial facility;
- (iii) Description of violation;
- (iv) Required schedule for returning to compliance;
- (v) Description of enforcement response used, including escalated responses if repeat violations occur;
- (vi) Accompanying documentation of enforcement responses (e.g. notices of non-compliance, notices of violations, etc.);
- (vii) Any referrals to different Departments or Agencies

5. Post-Construction Storm water management in new Development and Redevelopment

(a) The regulated entity shall develop and implement a program to address post-construction storm water management in new development and re-development, including the below noted elements. Newly permitted MS4s shall begin implementation of the requirements contained in Part III.B.5. of this permit within one (1) year of the effective date of permit coverage:

- 1. The Permittee must develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the Permittee's regulated MS4. The program must ensure that controls that would prevent or minimize water quality impacts to the maximum extent practicable are in place.
- 2. Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for your community.
- 3. Adopt or amend an ordinance or other regulatory mechanism as allowed in accordance with 40 CFR 122.34(b)(5)(ii)(B) to address post-construction runoff from new development and redevelopment projects to the maximum extent practicable.
- 4. Ensure adequate long-term operation and maintenance of BMPs. The MS4 shall require a maintenance agreement and provide verification of maintenance provisions of post-construction management practices. These agreements shall allow the MS4, or its designee, to conduct inspections of the management practices and also account for transfer of responsibility in

leases and/or deed transfers, and shall be subject to enforcement by the Permittee. Verification shall include one or more of the following as applicable:

- i. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; and/or
 - ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; and/or
 - iii. Written conditions in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control management practices; and/or
 - iv. Any other legally enforceable agreement that assigns permanent responsibility for maintenance of structural or treatment control management practices.
- (b) The Permittee must document the decision process for the development of a post-construction SWMP. The rationale statement should be included in the SWMP and annual report and must address the overall post-construction SWMP and the individual BMPs, measurable goals, and responsible persons for the Permittee's program. The rationale statement must include the following information, at a minimum:
1. The program to address storm water runoff from new development and redevelopment projects. Include in this description any specific priority areas for this program.
 2. How the program will be specifically tailored for the Permittee's local community, minimize water quality impacts to the maximum extent practicable, and attempt to maintain pre-development runoff conditions.
 3. Any non-structural BMPs in the program, including, as appropriate:
 - i. Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation.
 - ii. Policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure.
 - iii. Education programs for developers and the public about project designs that minimize water quality impacts to the maximum extent practicable.
 - iv. Other measures such as: minimization of the percentage of impervious areas after development, and source control measures often thought as good housekeeping, preventative maintenance and spill prevention.
 4. Any structural BMPs in the program, including, as appropriate:
 - i. Storage practices such as wet ponds, and extended-detention outlet structures.
 - ii. Filtration practices such as grassed swales, bioretention cells, sand filters and filter strips.
 - iii. Infiltration practices such as infiltration basin and infiltration trenches.
 5. The mechanisms (ordinance or other regulatory mechanisms as allowed in accordance with 40 CFR 122.34(b)(5)(ii)(B),) developed by the Permittee, used to address post-construction runoff from new development and redevelopments and why did the Permittee choose that mechanism. If the

Permittee needs to develop a mechanism, describe the plan and a schedule to do so. If the ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with the SWMP.

6. The program established by the Permittee to ensure the long-term operation and maintenance (O&M) of the selected BMPs. Options to help ensure that future O&M responsibilities are clearly identified include an agreement between the Permittee and another party such as the post-development landowners or regional authorities, and ordinances establishing requirements for owner/operators of privately owned storm water controls and new or re-development sites to ensure that such controls are maintained and repaired as necessary during the operational life of such controls.
7. The evaluation by the Permittee of the success of this minimum measure. The measurable goals established shall be based focusing on the ultimate desired outcomes for the program, such as water quality goals, pollutant load reductions. Additionally, the goals established must also focus on the activities that achieve the outcomes, such as adopting an ordinance, review of development plans, and BMP inspection. The output-based goals must ensure that the regulatory requirements are met, and support achieving the broader outcome based goals established by the Permittee as established in the SWMP.

6. Pollution Prevention/Good Housekeeping for Municipal Operations

(a) Permit requirement: The Permittee must:

1. Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff to the maximum extent practicable from municipal operations; and
2. Using training materials that are available from EPA, the State or other organizations, the program must include employee training to prevent and reduce storm water pollution to the maximum extent practicable from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

(b) Documentation: The Permittee must document the methodology for the development of a pollution prevention/good housekeeping program for municipal operations. The rationale statement should be included in the SWMP and annual report and must address both the overall pollution prevention/good housekeeping program; the individual BMPs measurable goals, and responsible persons for the Permittee's program. Progress of the program must be provided in each annual report. The rationale statement must include the following information, at a minimum;

1. The operation and maintenance program to prevent or reduce pollutant runoff from the Permittee's municipal operations to the maximum extent practicable. The program should list the municipal operations and industrial activities that are impacted by this operation and maintenance program.
2. Any government employee training program the Permittee will use to prevent and reduce to the maximum extent practicable the storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. Describe any existing, available materials the Permittee plans to use. Describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum measure.
3. The program should address the following areas, at a minimum:

- i. Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to your MS4.
 - ii. Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, recycling collection centers, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations, and snow disposal areas you operate.
 - iii. Procedures for the proper disposal of waste removed from your MS4 and your municipal operations, including materials such as dredge spoil, accumulated sediments, floatables, and other debris.
 - iv. Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.
4. Who is responsible for overall management and implementation of the Permittee's pollution prevention/good housekeeping program and, if different, who is responsible for each of the BMPs identified for this program.
5. How the Permittee will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

IV. Special Conditions

A. Sharing Minimum Measure Responsibility and Coordination Between MS4s

1. If you are relying on another MS4 regulated under the storm water regulations or the Department to satisfy one or more of your permit obligations, you must note that fact in your storm water management program. This other entity must, in fact, implement the control measure(s) or component thereof, which must be at least as stringent as the corresponding NPDES regulatory requirement; and the other entity must agree to implement the control measure on your behalf. If the other entity (including the Department) fails to fully perform the permit requirement, you remain liable for compliance with your permit and may be subject to enforcement action. This agreement between the two or more parties must be documented in writing and included in the storm water management plan. This agreement must be retained by the Permittee for the duration of this permit, including any automatic extensions of the permit term.
2. Coordination among entities covered under the small MS4 general permit may be necessary to comply with certain conditions of the SWMP. The SWMP shall include, when applicable:
 - (a) Coordination mechanisms among entities covered under the small MS4 general permit to encourage coordinated storm water related policies, programs and projects within adjoining or shared areas. Entities covered under the small MS4 permit include, municipalities, transportation agencies, universities, colleges, hospitals, prisons, and military bases.
 - (b) Coordination mechanisms shall specify roles and responsibilities for the control of pollutants between physically interconnected MS4s permittees covered by the small MS4 general permit.
 - (c) Coordination mechanisms shall coordinate storm water management activities for shared water bodies among permittees to avoid conflicting plans, policies and regulations.
 - (d) The SWMP shall include coordination mechanisms among departments within each Permittee to eliminate barriers to compliance with the terms of this permit.

B. Reviewing and Updating Storm Water Management Programs

1. **SWMP Review:** You must do an annual review of your SWMP in conjunction with preparation of the annual report required under Part V.
2. **SWMP Update:** You may change your SWMP during the life of the permit in accordance with the following procedures:
 - (a) Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWMP may be made at any time upon written notification to the Department. These changes must be documented in the annual report.
 - (b) Changes replacing an ineffective or unfeasible components, control measures, or requirements specifically identified in the SWMP, with an alternate component, control measures, or requirements may be requested at any time. Unless denied by the Department, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented sixty (60) days from submittal of the request. All reflected, ADEM approved changes, and modifications to the SWMP shall be reported in the annual report. If the request is denied, the Department will send you a written response giving a reason for the decision. Your modification requests must include the following:

1. An analysis of why the components, control measures or requirements is ineffective or infeasible (including cost prohibitive),
 2. Expectations on the effectiveness of the replacement components, control measures or requirements, and
 3. An analysis of why the replacement components, control measures or requirements are expected to achieve the goals of the components, control measures or requirements to be replaced.
- (c) Change requests or notifications must be made in writing and signed in accordance with Part VI.
3. SWMP Updates Required by the Department: The SWMP shall be updated as part of the re-coverage process for subsequently issued MS4 general permits. In addition, the Department may require changes to the SWMP as needed to:
- (a) Meet the conditions of the permit;
 - (b) Address impacts on receiving water quality caused, or contributed to, by discharges from the municipal separate storm sewer system;
 - (c) Include more stringent requirements necessary to comply with new Federal statutory or regulatory requirements; or
 - (d) Include such other conditions deemed necessary by the Department to comply with the goals and requirements of the Clean Water Act.
 - (e) Include additional control measures when a Total Maximum Daily Load (TMDL) and/or a 303(d) impairment has been specified for a receiving waterbody, if applicable or if the SWMP proves inadequate in reducing pollutants in storm water run-off;
 - (f) Changes requested by the Department must be made in writing, set forth the time schedule for you to develop the changes, and offer you the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by the Department will be made in accordance with 40 CFR Part 124.5, 40 CFR Part 122.62, or as appropriate 40 CFR Part 122.63.
4. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation: You must implement the SWMP on all new areas added to your portion of the municipal separate storm sewer system (or for which you become responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one (1) year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.
- (a) Within ninety (90) days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, you must have a plan for implementing your SWMP in all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP must be included in the annual report.
 - (b) Only those portions of the SWMPs specifically required as permit conditions shall be subject to the modification requirements of 40 CFR Part 124.5. Addition of components, controls, or requirements by the Permittee(s) and replacement of an ineffective or infeasible BMP implementing a required component of the SWMP with an alternate BMP expected to achieve the goals of the original BMP shall be considered minor changes to the SWMP and not modifications to the permit.

C. Discharge Compliance with Water Quality Standards

This general permit requires, at a minimum, that permittees develop, implement and enforce a storm water management program designed to reduce the discharge of pollutants to the maximum extent practicable. Full implementation of BMPs, using all known, available, and reasonable methods of prevention, control and treatment to prevent and control storm water

pollution from entering waters of the State of Alabama is considered an acceptable effort to reduce pollutants from the municipal storm drain system to the maximum extent practicable.

D. Discharge to Impaired Waters

1. 303(d) Listed Waters

This permit does not authorize new sources or new discharges of pollutants of concern to impaired waters unless consistent with an EPA-approved Total Maximum Daily Load (TMDL) and applicable State law. Impaired waters are those that do not meet applicable water quality standards and are identified on the State of Alabama's 303(d) list. Pollutants of concern are those pollutants for which the water body is listed as impaired and which contribute to the listed impairment.

- (a) You must determine whether the discharge from any part of the MS4 contributes directly or indirectly to a waterbody that is included on the latest 303(d) list or designated by the Department as impaired or is included in an EPA-approved TMDL. If you have discharges meeting this criterion, you must comply with Part IV.D., if you do not, Part IV.D. does not apply to you.
- (b) MS4s that discharge into a receiving water which is listed on the State of Alabama's 303(d) list of impaired waters, and with discharges that contain the pollutant(s) for which the water body is impaired, must within six (6) months of the Final 303(d) list approval, document in the SWMP how the BMPs will control the discharge of the pollutant(s) of concern, and must ensure that the discharge will not cause or contribute to the impairment. A monitoring plan to assess the effectiveness of the BMPs in achieving the wasteload allocations must also be included in the SWMP.
- (c) If your MS4 discharges to a waterbody described above, you must also determine whether a total maximum daily load (TMDL) has been developed and approved by EPA for the listed waterbody. If a TMDL is approved during this permit cycle by USEPA for any waterbody into which an MS4 discharges, the MS4 must review the applicable TMDL to see if it includes requirements for control of storm water discharges. Within six (6) months of the date of TMDL approval, the MS4 must notify the Department on how it will modify its storm water management program to include best management practices specifically targeted to achieve the wasteload allocations prescribed by the TMDL. The MS4 must include a monitoring component in the SWMP to assess the effectiveness of the BMPs in achieving the wasteload allocations.

2. Discharging into Waters with EPA-Approved TMDLs

- (a) Determine whether the EPA-approved TMDL is for a pollutant likely to be found in storm water discharges from your MS4.
- (b) Determine whether the TMDL includes a pollutant allocation or other performance requirements specifically for storm water discharge from your MS4.
- (c) Determine whether the TMDL addresses a flow regime likely to occur during periods of storm water discharge.
- (d) After the determinations above have been made and if it is found that your MS4 must implement specific allocations provisions of the TMDL, assess whether the allocations are being met through implementation of existing storm water control measures or if additional control measures are necessary.
- (e) Involve the public in accordance with Part III.B.2. of a decision that existing storm water control measures are meeting the allocations or the additional control measures that you determine are necessary.
- (f) Document all control measures currently being implemented or planned to be implemented. Also include a schedule of implementation for all planned controls. Document the calculations or other evidence that shows that the allocations will be met.

- (g) If a TMDL contains requirements for control of pollutants from the MS4 storm water discharges, then the SWMP must include BMPs specifically targeted to achieve the wasteload allocations prescribed by the TMDL. A monitoring plan to assess the effectiveness of the BMPs in achieving the wasteload allocations must also be included in the SWMP. Implementation of the monitoring plan in accordance with Part V.A.2 will determine whether the storm water controls are adequate to meet the TMDL allocations.
- (h) If the evaluation shows that additional or modified controls are necessary, describe the type and schedule for the control additions/revisions. Continue Paragraphs IV.D.2.d.-h. until two continuous monitoring cycles, as defined in the approved monitoring plan in accordance with Part V.A.2., show that the TMDL allocations are being met or that water quality (WQ) standards are being met.

E. Requiring an Individual Permit

The Department may require any person authorized by this permit to apply for and/or obtain an individual NPDES permit. When the Department requires application for an individual NPDES permit, the Department will notify the Permittee in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form and a statement setting a deadline for the Permittee to file the application.

Part V. Monitoring, Recordkeeping, and Reporting

A. Monitoring

1. You must evaluate program compliance, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals. If you discharge to an impaired water or to a water for which a TMDL has been approved by EPA, you may have monitoring requirements under Part IV.D.
2. When you conduct monitoring at your permitted small MS4, you are required to comply with the following:
 - (a) Submit the monitoring plan. The proposed monitoring plan and any subsequent revision proposed must be submitted to the Department six (6) months from the date of coverage of this permit and annually, thereafter, concurrent with the SWMP Annual Report submittal for approval.
 - (b) Representative monitoring. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - (c) Test Procedures. Analysis must be conducted according to test procedures approved by EPA under 40 CFR Part 136. When an EPA approved test procedure for analysis of a pollutant does not exist, the Director or his designee shall approve the procedure to be used.
3. Records of monitoring information shall include:
 - (a) The date, exact place, and time of sampling or measurements;
 - (b) The name(s) of the individual(s) who performed the sampling or measurements;
 - (c) The date(s) analyses were performed;
 - (d) The names of the individuals who performed the analyses;
 - (e) The analytical techniques or methods used; and
 - (f) The results of such analyses.
4. Discharge Monitoring Report. Monitoring results must be reported with the SWMP Annual Report and shall be reported in accordance with Part V.C.f. and the monitoring plan approved in Part V.A.2.a.

B. Record keeping

1. You must retain required records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of monitoring reports, a copy of the NPDES permit, and records of all data used to complete the application (NOI) for this permit, for a period of at least three years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of the Department at any time.
2. You must submit your records to the Department only when specifically asked to do so. You must retain the SWMP required by this permit (including a copy of the permit language) at a location accessible to the Department. You must make your records, including the notice of intent (NOI) and the SWMP, available to the public if requested to do so in writing.

C. Reporting

1. You must submit annual reports to the Department each year by March 31st. If an entity comes under coverage for the first time after the issuance of this permit, then the first annual report will be due in twelve (12) months from the time coverage begins, and to follow annually on March 31st. The report must include:
 - (a) The status of your compliance with permit conditions, an assessment of the appropriateness of the identified BMPs, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, and the measurable goals for each of the minimum control measures;
 - (b) Results of information collected and analyzed, if any, during the reporting period, including any monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;
 - (c) A summary of the storm water activities you plan to undertake during the next reporting cycle (including an implementation schedule);
 - (d) Proposed changes to your SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;
 - (e) Notice that you are relying on another government entity to satisfy some of your permit obligations (if applicable); and
 - (f) All monitoring results collected during the previous year in accordance with Part V, if applicable. The monitoring reports shall be submitted in a format acceptable to the Department.
 - (g) The number of small construction projects receiving approval from the MS4. Small construction projects are land disturbance activities of equal to or greater than one (1) acre and less than five (5) acres, or are a part of a larger common plan of development or sale with a planned disturbance of equal or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility (i.e. an existing ditch, channel, or other similar water conveyance, as well as routine grading of existing dirt roads, asphalt overlays of existing roads, and similar maintenance activities).
 - (h) The number of large construction projects receiving approval from the MS4. Large construction projects are land disturbance activities of equal to or greater than five (5) acres or are part of a larger common plan of development or sale with a planned disturbance of equal to or greater than five (5) acres. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar storm water conveyance. Large construction activity does not include the routine grading of existing dirt roads, asphalt overlays of existing roads, and similar maintenance of activities.
 - (i) The number and type of inspections conducted and enforcement actions taken.
 - (j) For public education and outreach, reporting should include but not be limited to the number of education materials distributed, number of hotline calls, number of training sessions held, etc.
 - (k) For the public involvement program, at a minimum, reporting should include the number of storm drains marked, number of public hearings, etc.
 - (l) The number of illicit discharges detected and the number of illicit discharges eliminated.
 - (m) The number, type (i.e., detention basin, manufactured system, etc.) and location of post-construction management practices installed at new development and re-development.

- (n) Documentation that all control measures being planned or implemented that may address Wasteload Allocation (WLA) provisions of a TMDL, if it is found that a MS4 must implement specific WLA provisions of a TMDL. Also, include a schedule of implementation for all planned controls.
- (o) Certification that the MS4 NOI and SWMP are up to date.
- (p) Certification of adequate legal authority; or written notification based on applicable State Law precluding implementation of any minimum measure or component thereof and identification of the measure(s) or components of the measure.

Part VI. Standard Permit Conditions

A. Duty to Comply

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

C. Duty to Mitigate

You must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

D. Duty to Provide Information

The Permittee shall furnish to the Director, within a reasonable time, any information including, but not limited to, copies of records required to be kept by the permit, which the Director may request to determine compliance with the permit.

E. Other Information

If you become aware that you have failed to submit any relevant facts in your Notice of Intent or submitted incorrect information in the Notice of Intent or in any other report to the Department, you must promptly submit such facts or information.

F. Signatory Requirements

All Notices of Intent, reports, certifications, or information submitted to the Department, or that this permit requires be maintained by you shall be signed and certified as follows:

1. Notice of Intent. All Notices of Intent shall be signed by a responsible official as set forth in ADEM Administration Code r335-6-6-.09.
2. Reports and other information. All reports required by the permit and other information requested by the Department or authorized representative of the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (a) Signed authorization. The authorization is made in writing by a person described above and submitted to the Department.
 - (b) Authorization with specified responsibility. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility for environmental matters for the regulated entity.
3. Changes to authorization. If an authorization is no longer accurate because a different operator has the responsibility for the overall operation of the MS4, a new authorization

satisfying the requirement of Part VI.G.2.b. above must be submitted to the Department prior to or together with any reports or information, and to be signed by an authorized representative.

4. Certification. Any person signing documents under Part VI.F.1-2. above shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, nor it does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations

H. Proper Operation and Maintenance

You must at all time properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit and with the conditions of your SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by you only when the operation is necessary to achieve compliance with the conditions of the permit.

I. Inspection and Entry

1. You must allow the Department or an authorized representative upon the presentation of credentials and other documents as may be required by law, to do any of the following:
 - (a) Enter your premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
 - (b) Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
 - (c) Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this permit; and
 - (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

J. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

K. Permit Transfers

This permit is not transferable to any person except after notice to the Department. The Department may require modification or revocation and reissuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary under the Act.

L. Anticipated Noncompliance

You must give advance notice to the Department of any planned changes in the permitted small MS4 or activity which may result in noncompliance with this permit.

M. Compliance with Statutes and Rules

1. The permit is issued under ADEM Administrative Code Chapter 335-6-6. All provisions of this chapter that are applicable to this permit are hereby made a part of this permit.
2. This permit does not authorize the noncompliance with or violation of any laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws.

N. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall be affected thereby.

O. Bypass Prohibition

Bypass (see 40 CFR 122.41(m)) is prohibited and enforcement action may be taken against a regulated entity for a bypass; unless:

1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during the normal periods of equipment downtime. This condition is not satisfied if the regulated entity should, in the exercise of reasonable engineering judgment, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.
3. The Permittee submits a written request for authorization to bypass to the Director at least ten (10) days prior to the anticipated bypass (if possible), the Permittee is granted such authorization, and the Permittee complies with any conditions imposed by the Director to minimize any adverse impact on human health or the environment resulting from the bypass.

The Permittee has the burden of establishing that each of the conditions of Part VI.O. have been met to qualify for an exception to the general prohibition against bypassing and an exemption, where applicable, from the discharge specified in this permit.

P. Upset Conditions

An upset (see 40 CFR 122.41(n)) constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations if a regulated entity shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

1. An upset occurred and the Permittee can identify the specific cause(s) of the upset;
2. The Permittee's facility was being properly operated at the time of the upset; and

3. The Permittee promptly took all reasonable steps to minimize any adverse impact on human health or the environment resulting from the upset.

The Permittee has the burden of establishing that each of the conditions of Part VI.P. of this permit have been met to qualify for an exemption from the discharge specified in this permit.

Q. Procedures for Modification or Revocation

Permit modification or revocation will be conducted according to ADEM Administrative Code 335-6-6-.17.

R. Re-opener Clause

If there is evidence indicating potential or realized impacts on water quality due to storm water discharge covered by this permit, the regulated entity may be required to obtain an individual permit or an alternative general permit or the permit may be modified to include different limitations and/or requirements.

S. Definitions

All definitions contained in Part VI shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the event of a conflict, the definition found in the Statute or Regulation takes precedence.

1. Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
2. Control Measure as used in this permit, refers to any Best Management practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.
3. CWA or The Act means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.
4. Discharge, when used without a qualifier, refers to "discharge of a pollutant" as defined as ADEM Administrative Code 335-6-6-.02(m).
5. Green Infrastructure refers to systems and practices that use or mimic natural processes to infiltrate, evapotranspire (the return of water to the atmosphere either through evaporation or by plants), or reuse storm water or runoff on the site where it is generated.
6. Low Impact Development (LID) is an approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product.
7. Illicit Connection means any man-made conveyance connecting an illicit discharge directly to municipal separate storm sewer.
8. Illicit Discharge is defined at 40 CFR Part 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.
9. Indian Country, as defined in 18 USC 1151, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the

issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.

10. MEP is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by CWA Section 402(p). A discussion of MEP as it applies to small MS4s is found at 40 CFR Part 122.34.
11. MS4 is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a large, medium, or small municipal separate storm sewer system. The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities.
12. Municipal Separate Storm System is defined at 40 CFR Part 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in ADEM Administrative Code 335-6-6-.02(nn).
13. NOI is an acronym for "Notice of Intent" to be covered by this permit and is the mechanism used to "register" for coverage under a general permit.
14. Department means the Alabama Department of Environmental Management or an authorized representative.
15. Small municipal separate storm sewer system is defined at 40 CFR Part 122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to water of the United States, but is not defined as "large" or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.
16. Storm water is defined at 40 CFR Part 122.26(b) (13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.
17. Storm Water Management Program (SWMP) refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.
18. SWMP is an acronym for "Storm Water Management Program."
19. Total Maximum Daily Load (TMDL) means the calculated maximum permissible pollutant loading to a waterbody at which water quality standards can be maintained. The sum of wasteload allocations (WLAs) and load allocations (LAs) for any given pollutant.
20. "You" and "Your" as used in this permit is intended to refer to the Permittee, the operator, or the discharger as the context indicates and that party's responsibilities (e.g., the city, the country, the flood control district, the U.S. Air Force, etc.).

NPDES PERMIT RATIONALE

MS4 Phase II General Permit

NPDES Permit No: **ALR040000** Date: September 8, 2009

Permit Applicant: This permit is intended to cover storm water discharges from small municipal separate storm sewer systems (MS4s) in the State of Alabama

Location: State of Alabama

Draft Permit is: Initial Issuance:
Reissuance due to expiration: X
Modification of existing permit:
Revocation and Reissuance:

Discussion: This permit requires implementation of the MS4 Phase II program under the State and Federal NPDES regulations. Each MS4 must develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants to the maximum extent practicable using the six minimum control measures to protect water quality and to satisfy the appropriate water quality requirements of the Clean Water Act. The six minimum control measures include the following: Public Education and Outreach; Public Involvement/Participation; Illicit Discharge Detection and Elimination (IDDE); Construction Site Storm Water Run-Off Control; Post-Construction Storm Water in New Development and Re-Development; and Pollution Prevention/Good Housekeeping. The Permittee must submit an annual report that includes documentation of the six minimum control measures used by the Permittee to reduce the discharge of pollutants to waterbodies to the maximum extent practicable. Monitoring and a monitoring plan is required by the Permittee if an impaired waterbody, as listed on the State of Alabama's 303(d) list, or an EPA-approved Total Maximum Daily Load (TMDL) is located within the MS4 jurisdiction.

Prepared by: Marla Shelley Smith

FACT SHEET
APPLICATION FOR
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT TO DISCHARGE TO WATERS OF
THE STATE OF ALABAMA
GENERAL PERMIT

Date: September 4, 2009

Prepared By: Marla S. Smith

NPDES Permit No. ALR040000

1. Description of Category:

This permit is intended to cover storm water discharges from small municipal separate storm sewer systems (MS4s) in the State of Alabama. Small MS4's are defined as municipalities with a population less than 100,000 and located in urbanized areas as defined by the latest census by the Bureau of Census. Also included in this definition are systems similar to separate storm sewer systems in municipalities such as systems at military bases, large hospitals or prison complexes, and highways and other thoroughfares (40 CFR Part 122.26(b)). In addition, MS4's with a population density of 1,000 people per square mile and a population of at least 10,000 which are located outside an urbanized area may be included in accordance with 40 CFR Part 123.35.

2. Geographic area covered:

State of Alabama

3. Receiving waters:

All Waters of the State

4. Types of discharge:

Discharge of storm water from small municipal separate storm sewer systems as defined in 40 CFR 122.26(b), and specific non-storm water discharges as defined in Part I.B.2 of the proposed General Permit.

5. Permit Conditions:

The permit conditions are based on 40 CFR Parts 122.30 – 37.

6. Procedures for the formulation of final determinations

a. Comment Period

The Alabama Department of Environmental Management proposes to issue an NPDES permit to this applicant subject to the effluent limitations and special conditions outlined above. These determinations are tentative.

Interested persons are invited to submit written comments on the permit application or on proposed determinations to the following address:

Russell A. Kelly, Chief
Permits and Services Division
Alabama Department of Environmental Management
1400 Coliseum Blvd
(Mailing Address: Post Office Box 301463; Zip 36130-1463)
Montgomery, Alabama 36110-2059
(334) 271-7714

All comments received prior to the closure of the public notice period (see attached public notice) will be considered in the formulation of final determinations with regard to this application.

b. Public Hearing

A written request for a public hearing may also be filed with the public notice period and must state the nature of the issues proposed to be raised in the hearing. The Director shall hold a public hearing whenever it is found, on the basis of hearing requests, that there exists a significant degree of public interest in the permit application or draft permit or group of permits. A request for a hearing should be filed with the Department at the following address:

Russell A. Kelly, Chief
Permits and Services Division
Alabama Department of Environmental Management
1400 Coliseum Blvd
(Mailing Address: Post Office Box 301463; Zip 36130-1463)
Montgomery, Alabama 36110-2059
(334) 271-7714

The Director may hold a public hearing if he determines that useful information and data may be obtained thereby. Public notice of such a hearing will be published at least 30 days prior to the hearing in a newspaper having general circulation in the geographical area of the discharge and will be sent to those on the ADEM mailing list at least thirty days prior to the hearing.

c. Issuance of the Permit

Upon the expiration of the comment period and, if applicable, completion of the public hearing process a response to all significant comments will be prepared. After consideration of all comments received during the notice period or as the result of a public hearing, the response to comments, and of the requirements of the Alabama Water Pollution Control Act and appropriate regulations, the Director will make a final decision regarding permit issuance. **The permit record, including the response to comments, will be available to the public and an appointment to review the record may be made by writing the Permits and Services Division at the above address.**

Unless a request for a stay of a permit or permit provision is granted, the proposed permit contained in the Director's determination shall be issued and effective; and will be the final action of the Alabama Department of Environmental Management.

d. Appeal Procedures

Any person adversely affected by the Director's final decision may submit an appeal or a request for a stay of the permit or one or more provisions of the permit. Such requests should be received by the Environmental Management Commission within thirty days of issuance of the permit. Requests should be submitted to the Chairperson at the following address:

Alabama Environmental Management Commission
1400 Coliseum Blvd
(Mailing Address: Post Office Box 301463; Zip 36130-1463)
Montgomery, Alabama 36110-2059

All requests must:

- (i) State the name, mailing address and telephone number of the person making such request;
- (ii) Identify the interest of the appellant which is affected by the proposed issuance, denial or modification of the permit contained in the determination of the Director, and explain how and to what extent that interest would be directly and adversely affected by such determination;
- (iii) Identify any persons whom the request represents;

- (iv) State with particularity the issues proposed to be considered at the hearing;
- (v) Include any terms and conditions with which the appellant proposes to revise or replace the determinations of the Director;
- (vi) State the name, mailing address and telephone number of the attorney for the person making the request, if represented by an attorney; and
- (vii) An original signature of the person making the request or such person's attorney.

The Commission may rule on the appeal or may hold an appeals hearing prior to making a ruling.